

4-1



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING DEPARTMENT HEARING

*Promoting the wise use of land
Helping build great communities*

MEETING DATE February 18, 2005		CONTACT/PHONE Elizabeth Kavanaugh 788-2010		APPLICANT Mulholland Construction		FILE NO. COAL 04-00188 SUB2004-00188	
SUBJECT A request by Mulholland Construction for a Lot Line Adjustment to adjust the lot lines between two existing parcels of a 79 acres lot and 7 acres lot each. The adjustment will result in two parcels of approximately 24 acres and 62 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Agriculture and Residential Suburban land use category and is located at 13350 River Road, in the community of San Miguel. The site is in the Salinas River planning area.							
RECOMMENDED ACTION Approve Lot Line Adjustment COAL 04-0188 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.							
ENVIRONMENTAL DETERMINATION A Class five Categorical Exemption, ED 04-319, was issued on January 14, 2005.							
LAND USE CATEGORY Residential Suburban, Agricultural		COMBINING DESIGNATION Flood Hazard		ASSESSOR PARCEL NUMBER 027-271-008, 027-271-030, and 027-271-031		SUPERVISOR DISTRICT(S) 1	
PLANNING AREA STANDARDS: None							
LAND USE ORDINANCE STANDARDS: None							
EXISTING USES: Vineyards, winery, tasting room, two single-family residences and barns.							
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture / Vineyards and scattered residences <i>East:</i> Agriculture / Vacant <i>South:</i> Residential Suburban / Residences <i>West:</i> Residential Suburban / Salinas River							
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: San Miguel Community Advisory Group, Public Works, Ag Commissioner, County Parks, APCD							
TOPOGRAPHY: Level to steeply sloping				VEGETATION: Vineyard and non-native grasses			
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: San Miguel Fire Department				ACCEPTANCE DATE: January 15, 2005			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242							

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ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between two legal lots as follows:

EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
7	24
79	62

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The adjustment will result in the reconfiguration of two lots to configure the lots to better the agricultural use and to configure the lots to reflect the separate land use categories and related uses.

SB 497

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Because the lot sizes exceed minimum parcel size as set through the General Plan, staff has concluded that the adjustment is consistent with both state and local law.

LEGAL LOT STATUS:

The two lots were legally created by deed at a time when that was a legal method of creating lots.

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FINDINGS - EXHIBIT A

- A. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because situation. Because the lot sizes exceed minimum parcel size as set through the General Plan, staff has concluded that the adjustment is consistent with both state and local law.
- B. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.
- C. Compliance with the attached conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.
- D. The project qualifies for a Categorical Exemption (Class five) pursuant to CEQA Guidelines Section 15305 because the proposal is for a minor alteration of land that does not result in changes of land use or density. Environmental review for future development will occur during processing of Tract 2647, currently being processed by the County Planning Department.

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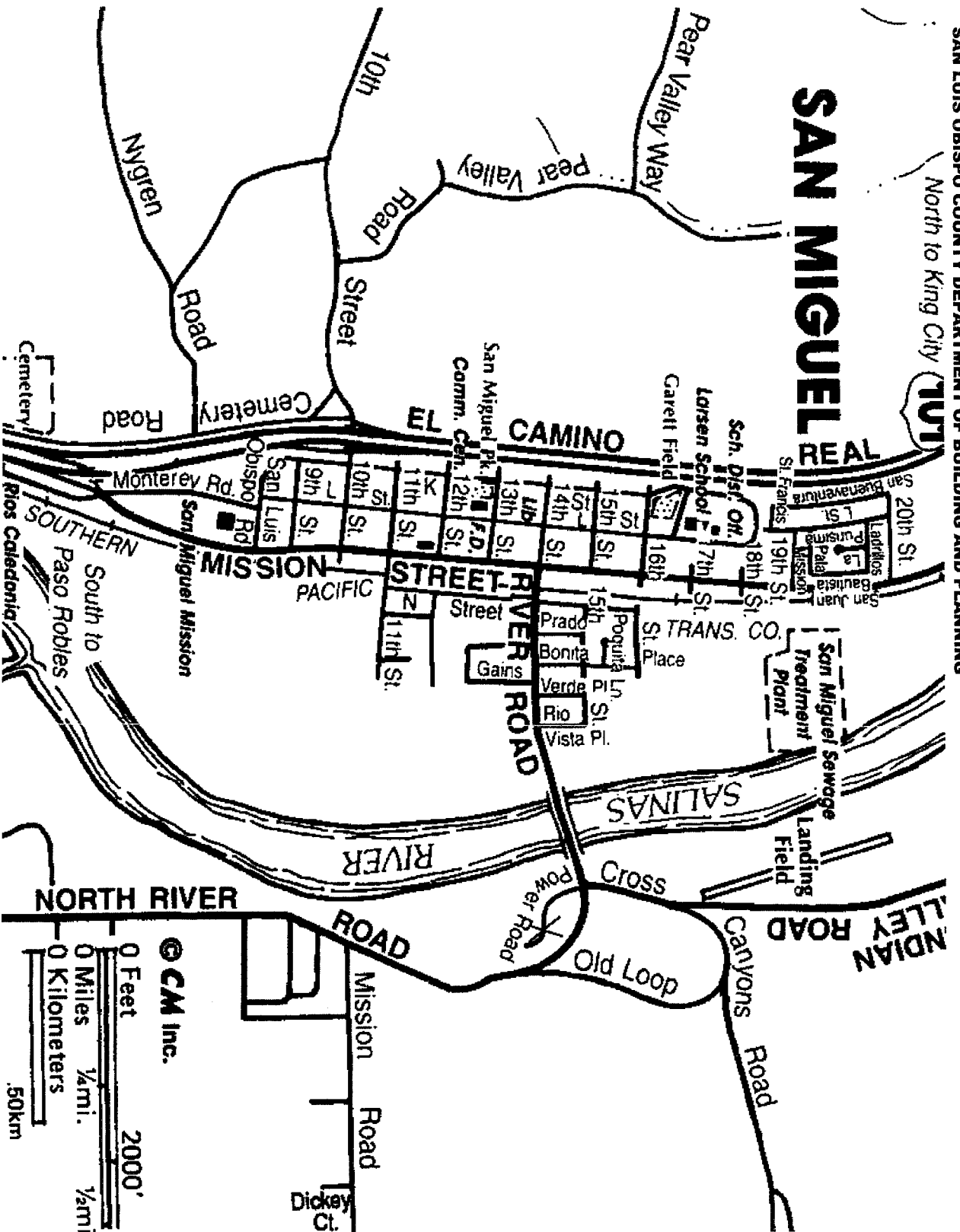
CONDITIONS - EXHIBIT B

1. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance. If a map is filed, it shall show:
 - a. All public utility easements.
 - b. All approved street names.
2. Any private easements described in the title report must be shown on the map, with recording data.
3. When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
4. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.
5. The map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
6. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
7. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
8. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one-year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.
9. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action.
10. All parcels shall be provided with legal access from a public road. Easements or offers of dedication with a minimum width of 20 feet shall be recorded for all parcels that currently do not have access. These shall be shown on a map (if a map is used to final the adjustment) or recorded with the certificates of compliance.

Staff report prepared by Elizabeth Kavanaugh and reviewed by Chuck Stevenson, Supervising Planner.

North to King City (747)

SAN MIGUEL



© CM Inc.

0 Feet 2000'

0 Miles	$\frac{1}{4}$ mi.	$\frac{1}{2}$ mi
---------	-------------------	------------------

-0 Kilometers

50km

PROJECT

LOT LINE ADJUSTMENT
PRETTY SUB2004-00188



EXHIBIT

VICINITY MAP

TENTATIVE PARCEL MAP COAL 04-0057

BEING A LOT LINE ADJUSTMENT OF A PORTION OF LAND IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 46 SOUTH, RANGE 12 EAST, MOUNTAIN PLAIN RANGE, SAN LUIS OBISPO COUNTY, CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED IN CERTIFICATE OF COMPLIANCE WHICH IS FILED FOR RECORD IN BOOK 10-43 AND 10-44, PAGE 10-43, OF THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.

ZONING

THE LAND IS ZONED R-1 (RESIDENTIAL SINGLE-FAMILY) AND IS SUBJECT TO THE ZONING ORDINANCES OF THE COUNTY OF SAN LUIS OBISPO.

OWNER'S STATEMENT

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS PARCEL MAP IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

APN 027-271-026

15550 NORTH RIVER ROAD

APN 027-271-025

6955 CANYONS LTO PTP
5555 CANYON CANYON ROAD



APN 027-271-028
COUNTY OF SAN LUIS OBISPO

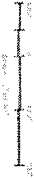
North River Road

PARCEL 2

PARCEL 1

NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. THE PROPERTY IS TO BE USED FOR RESIDENTIAL PURPOSES ONLY.
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SEC 16

SEC 22

SEC 16

SEC 21

TYN CITIES SURVEYING INC.

PROPERTY OWNERS/SITE INFORMATION

1150 2ND ST
SAN LUIS OBISPO, CA 93401
TEL: (805) 741-1111
FAX: (805) 741-1111

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PROJECT

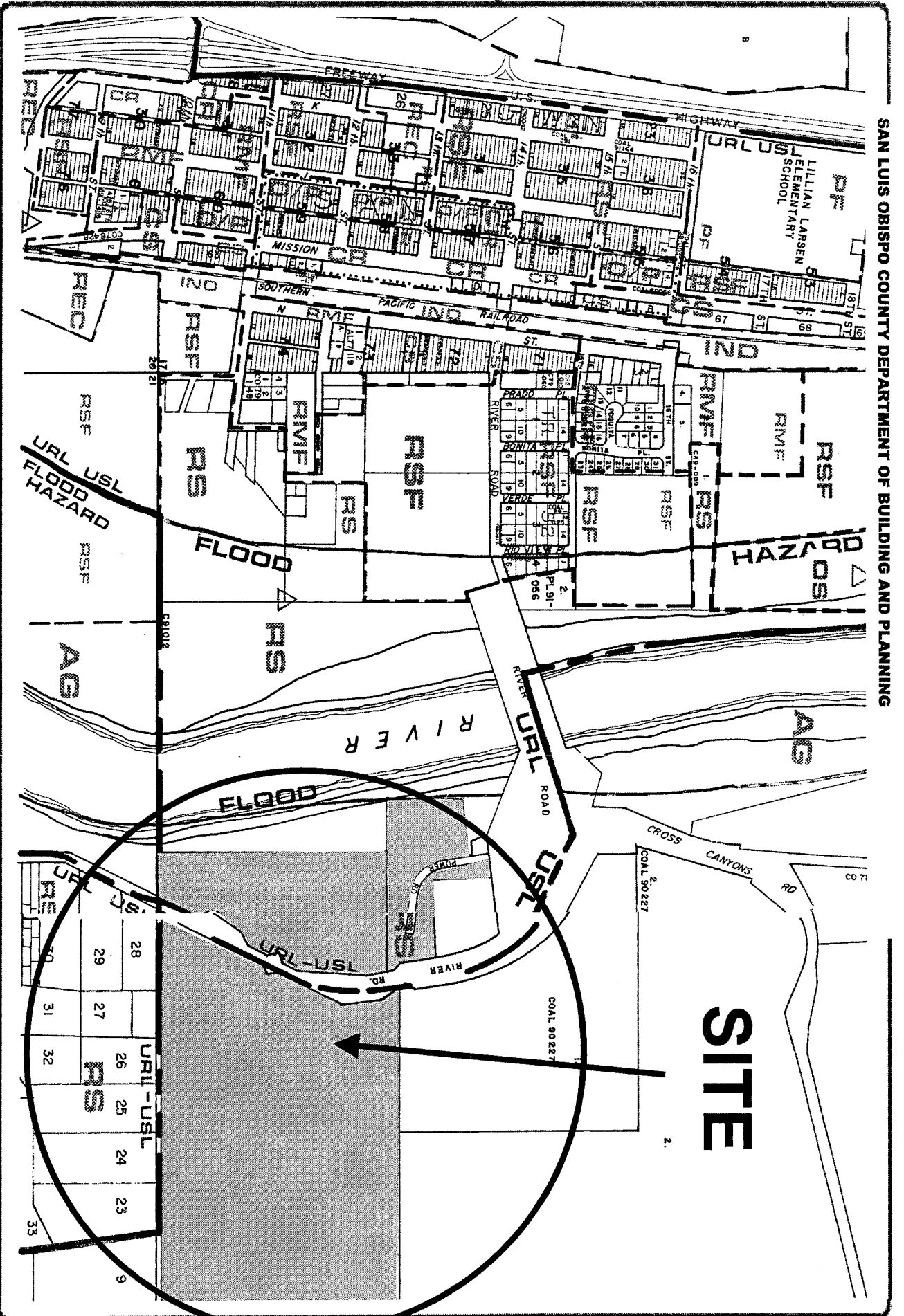
LOT LINE ADJUSTMENT
PRETTY SUB2004-00188



EXHIBIT

SITE PLAN

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PROJECT
LOT LINE ADJUSTMENT
PRETTY SUB2004-00188



EXHIBIT
LAND USE CATEGORY MAP

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PROJECT

LOT LINE ADJUSTMENT
PRETTY SUB2004-00188



EXHIBIT

AERIAL PHOTO

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COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

DATE: January 10, 2005

TO: Elizabeth Kavanaugh, North County Team

FROM: Lynda L. Auchinachie, Agriculture Department

JA

SUBJECT: Pretty-Smith Lot Line Adjustment SUB2004-00188 (0988)

Comments

The applicant proposes to change the configuration of two existing parcels of approximately 79 and 8 acres to 63 and 24 acres each. The project site is located on North River Road, east of the community of San Miguel. The project site is currently bisected by North River Road and is developed with residential uses to the west and an approximately 50-acre vineyard with a winery and tasting room to the east. A four-acre vineyard that was located to the west of North River Road has been removed from the project site. The Lot Line Adjustment (LLA) is requested to create separate parcels that conform to existing zoning and road configuration.

The Agriculture Department's considers the proposal to be equal to the existing parcel configuration because the existing vineyard operation will not be changed by the proposal and will continue to be of adequate size to remain sustainable. This determination is based on a comparison of the proposed and existing parcels when considering potential long-term impacts to agricultural resources and operations.

Comments are based on current departmental objectives to conserve agricultural resources and to provide for public health, safety and welfare, while mitigating negative impacts of development to agriculture.

If you have questions, please call 781-5914.



4-10 7
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

RECEIVED

VICTOR HOLANDA, AICP
DEC 16 2004 DIRECTOR

THIS IS A NEW PROJECT REFERRAL POLLUTION CONTROL BOARD REVIEW

DATE: 12-7-04

TO: APCD

FROM: Elizabeth Kavanaugh
(Please direct response to the above)

North Co. Team

Pretty/Smith

SUB 2004-00188
Project Name and Number

Development Review Section (Phone:

788-2009)

*OR ASK THE SWITCH-
BOARD FOR THE PLANNING

COAL 04-0572

PROJECT DESCRIPTION:

LLA between 2 parcels to adjust
line to conform to existing road. 1st lot - 79 acres, 2nd
lot 7 acres... to be 24 acres & 62 acres. APNs: 027-271-008
& 027-271-030 & 031. 88 acres in San Miguel

Return this letter with your comments attached no later than:

12/23/04

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

YES (Please go on to Part II)
NO (Call me ASAP to discuss what else you need. We have only 30 days in which
we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF
REVIEW?

NO (Please go on to Part III)
YES (Please describe impacts, along with recommended mitigation measures to
reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of
approval you recommend to be incorporated into the project's approval, or state reasons for
recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

No comments

17 Dec 04
Date

Aaron Artin Genet
Name

781.5912
Phone



4-11
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

DEC 15 2004

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

12-7-04

FROM

PW

Pretty/Smith

FROM
70

Elizabeth Kavanaugh
(Please direct response to the above)

North Co. Team

SUB 2004-00188

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recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

No Title Report. WHERE IS NEW LOT LINE? DOES THE COUNTY OWN
RIVER ROAD IN FEE? MOST LIKELY, (WITHOUT TITLE REPORT) THE COUNTY HAS AN
EASEMENT OR RIGHT-OF-WAY AND THE NEW LOT LINE WOULD GO DOWN THE MIDDLE
OF THE ROAD SOMEWHERE, OR IT COULD BE IN ONE R/W LINE OR THE OTHER.
For Ref. see TR 2647, COAL 03-0345, COAL 02-0423. WE HAVE NO CONCERN WITH THE CONCEPT
proposed

07 JAN 2005

Date

GOODWIN

Name

5252

Phone

4-12